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Pamela G. Maher

Pamela G. Maher, Reg. No. 40,712



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:) Examiner: Unassigned
)
Inventor: Lilip Lau) Group Art Unit: 3738
William M. Hartigan)
John J. Frantzen) Docket No. ACS 48047 (3801.2.01)
)
Serial No.: 09/055,582)
)
Filed: April 6, 1998)
)
For: EXPANDABLE STENTS AND) Los Angeles, California
METHOD FOR MAKING SAME) Date: January 19, 1999

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

Pursuant to the duty of disclosure set forth in 37 C.F.R. §1.56 and the procedure set forth in 37 C.F.R. §§ 1.97 and 1.98, the Applicants submit for the Examiner's consideration the attached PTO Form FB A-820. A copy of each of the listed documents is provided herewith unless a copy of the art was submitted to the Office previously on a prior Information Disclosure Statement. A total of nine documents is enclosed.

The documents cited on the Form FB A-820 may not constitute prior art to the subject matter of the invention claimed in the pending application. The references therefore are disclosed in an abundance of caution.

Each of the listed references was cited either in Notices of Opposition in a European opposition proceeding or by an Opponent or the Japanese Patent Office in a Japanese opposition proceeding in respect of granted foreign patents which assert priority to Serial No. 07/783,558 ("558 application"). The '558 application is the parent case for the above-captioned application.

Six documents have been considered in the opposition proceeding directed to Japanese Patent No. 2645203. Five of these six references are in the Japanese language and no complete English-language translation thereof currently is in the possession, custody or control of the Applicants. However, English-language abstracts of two of the six Japanese references (namely Japanese Kokai 64-83685 and Japanese Kokai 62-235498) are available and are enclosed herewith. Further the Applicants believe that three of the six Japanese references have English-language counterparts as follows: (1) Japanese Kokai 1-299550 appears to correspond to U.S. Patent No. 5,102,417 to Palmaz, et al.; (2) Japanese Kokai 3-151983 appears to correspond to U.S. Patent No. 5,104,404 to Wolff; and (3) Japanese Kokai 62-231657 appears to correspond to U.S. Patent No. 4,733,665 to Palmaz. U.S. Patent Nos. 5,102,417, 5,104,404, and 4,733,665 each was disclosed to the Office in the Applicants' Information Disclosure Statement mailed November 25, 1998. The Applicants have commissioned an uncertified English-language translation of the remaining Japanese language reference, an article from the Journal of Japan Radiological Society entitled *Development and Clinical Application of Biliary Endoprosthesis*

Using Expandable Metallic Stents, which is directed to procedures using Gianturco self-expanding stents. A copy of this translation is enclosed.

Nine different references, collectively, have been cited in three Notices of Opposition to European Patent No. 0 540 290. Five of these references, namely U.S. Patent No. 4,994,071 to MacGregor; U.S. Patent No. 4,830,003 to Wolff; European Patent Application Publication No. 0 421 729 (Wolff/Medtronic); European Patent Application Publication No. 0 221 570 (Pinchuk/Corvita Corp); and European Patent Application Publication No. 0 364 787 (Schatz/Expandable Grafts Partnership) each was disclosed on the Applicants' November 25, 1998 Information Disclosure Statement.

A sixth of the nine references from the European proceedings was disclosed on the Applicants' Supplemental Information Disclosure Statement of December 4, 1998, namely, an article published in the American Journal of Roentgeriology entitled *Self-Expanding Cardiovascular Graft: An Experimental Study in Dogs*, which also is directed to procedures using Gianturco self-expanding stents.

In addition, with respect to two of the other nine references, European Patent Application Publication No. 0 335 341 appears to correspond to U.S. Patent No. 5,102,417 to Palmaz et al., and European Patent Application Publication No. 0 357 003 appears to correspond to U.S. Patent No. 5,019,090 to Pinchuk. Copies of each of these European Patent Office documents are enclosed. Each of the U.S. Patent Nos. 5,102,417, and 5,019,090 were disclosed to the Office on the Applicants' November 25, 1998 Information Disclosure Statement.

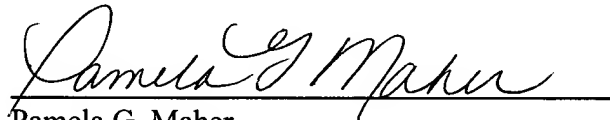
The remaining reference cited in the European Notices of Opposition is an English-language journal article entitled *Percutaneously Placed Endovascular Grafts for Aortic*

Aneurysms: Feasibility Study by David Mirich et al. published in Radiology, a copy of which is enclosed. This article too is concerned with Gianturco self-expanding stents.

As the Applicants are not yet in receipt of a first Office action in respect of U.S. Serial No. 09/055,582, this Second Supplemental Information Disclosure Statement is submitted pursuant to 37 C.F.R. §1.97(b) and it is believed that no fee is due in connection with this paper. In the event a fee is required, please debit the amount from our Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

A handwritten signature in cursive script, reading "Pamela G. Maher", is written over a horizontal line.

Pamela G. Maher
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PGM:bdd
Enclosures
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